

REMARKS

Specification

The specification stands objected to under 35 U.S.C. §132(a) for introducing new matter into the disclosure. Examiner asserts that the added material which is not supported by the original disclosure is as follows: on Page 12 at Paragraph 44, expanded vinyl *and* vinyl with a layer of foam.

Applicant has amended the specification as requested by Examiner and respectfully submits that the specification is currently in condition for allowance. Reconsideration and withdrawal of this objection is respectfully requested.

Cancellation of Claims 2, 26, 51, and 74

It is noted that although Claims 2, 26, 51, and 74 are not listed as pending on the Office Action Summary sheet, they are referred to in Examiner's rejections. It is believed that the prior amendment canceling these claims was not entered. Therefore, Applicant has canceled these claims in the present amendment.

Claim Rejections – 35 U.S.C. §103

Claims 1, 23-26, 47-51, 72-74, and 95-101 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe et al. (US 6,610,382 B1) in view of Shomo (US 4,660,832).

For a §103 obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have

motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. MPEP 2143.

Claim 1 has been amended to incorporate the subject matter of Claim 3, reciting a system for providing a grip for a hand railing or grab bar comprising “a hand railing or grab bar having an outer surface; a skin layer axially wrapped around said outer surface of said hand railing or grab bar such that the edges of said skin layer do not overlap, said skin layer having a top surface, a bottom surface, a first end, and a second end opposite said first end, wherein said top surface is continuous and flat from said first end to said second end; a light emitter coupled with said top surface of said skin layer ....”

Applicant respectfully submits that Kobe fails to disclose a skin layer having a top surface that is flat from end to end, as recited in Claim 1. Examiner argues that although the top surface of Kobe’s skin layer comprises upstanding stems, Kobe expressly teaches in Col. 9, lines 1-10 that the height of the stems is so minute and the density of the stems is so great that they are not detectable by human touch. Applicant respectfully disagrees with Examiner’s analysis. Although this passage states that when “the spacing between the objects is less than half the tactile distance, it becomes difficult to distinguish between the protrusions on the surface,” it does not constitute Kobe’s skin layer being flat. Difficulty in distinguishing between the protrusions is not equivalent to not being detectable by human touch. It also does not change the fact that the stems are spaced apart, creating a gap between them. As described in Col. 7, line 32 to Col. 8, line 25 and shown in FIGS. 10-11, this spacing allows the stems on opposing slip control articles to mate and resist relative lateral

movement. Despite Examiner's assertion that the height of the stems is minute, their height is clearly significant enough to resist the lateral movement of the opposed slip control articles.

As discussed by Applicant in the Response dated July 11, 2006, in the parent application, U.S. Application Serial No. 09/874,940, of the present application, Examiner found that Kobe did not teach a skin layer having a top surface that is both *continuous and flat*. In that parent application, Examiner cited Kobe as a §102 reference in the Office Action dated December 15, 2004. Applicant filed an Amendment on March 15, 2005 further defining the top surface of the skin layer as being both *continuous and flat* from the first end to the second end. Examiner then responded in the Final Office Action dated June 17, 2005 by withdrawing Kobe as a §102 reference that teaches a skin layer having a top surface that is both *continuous and flat* from its first end to its second end. Examiner did not argue that Kobe taught the *continuous and flat* limitation. Instead, Examiner cited Shomo as teaching the *continuous and flat* limitation in a §103 rejection. Applicant is unclear as to why Examiner has come to a different conclusion in the present application as she did in the parent application. Given the consistency of the claims and the cited prior art, it only seems appropriate that Examiner come to a conclusion in the present application that is consistent with that of the parent application.

In the present application, Examiner argues that Applicant has failed to expressly teach a flat top surface or to ascribe any criticality to the claim limitation in the Specification. However, Applicant respectfully submits that whether or not Applicant has expressly taught a flat top surface or ascribed any criticality to the claim limitation in the Specification is irrelevant to the issue of whether Kobe teaches this limitation of Claim 1. The degree of emphasis found in the Specification regarding the continuous

and flat limitation does not affect Examiner's standard of proof for establishing that this limitation is disclosed in the prior art.

Examiner asserts that Shomo teaches a grip comprising a skin layer having a top surface that is continuous and flat from a first end to a second end. Examiner has not argued that it would have been obvious to one ordinarily skilled in the art to modify Kobe to have a continuous and flat top surface as taught by Shomo. Even if Examiner were to make this assertion, Applicant would respectfully disagree. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01(V). Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. MPEP 2143.01(VI). Modifying Kobe to have a top surface that is continuous and flat from end to end would require the elimination of its upstanding stems. Given Kobe's reliance on these stems for its frictional and gripping performance, its ability to direct fluids, and its ability to mate with and resist the relative lateral movement of an opposed slip control article, eliminating these stems would change Kobe's principle of operation and render it unsatisfactory for its intended purpose. Therefore, such a modification would not be obvious.

Furthermore, Applicant respectfully submits that neither Kobe nor Shomo discloses a light emitter coupled with the top surface of the skin layer, as recited in Claim 1. It is noted that Examiner has rejected Claim 3, from which this limitation originated, using other references. The substance of these rejections will be addressed below.

The same arguments made above with respect to the patentability of Claim 1 are also applicable to the patentability of Claims 25, 50, 73, 96-98, and 100.

Since Claims 23-24, 26, 47-49, 51, 72, 74, 95, and 101 depend from Claims 1, 25, 50, 73, and 100 respectively, Applicant respectfully submits that Claims 23-24, 26, 47-49, 51, 72, 74, 95, and 101 are also patentable as they contain the same limitations as their respective parent claims.

Since Claims 26, 51 and 74 have been canceled, Examiner's rejection of Claims 26, 51 and 74 is moot.

Applicant respectfully submits that Claims 1, 23-25, 47-50, 72-73, and 95-101 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of Shomo, and further in view of Oseroff et al. (US 3,848,480).

Claims 3, 27, 52, and 75 have been canceled and their subject matter, a light emitter coupled with the top surface of the skin layer, has been incorporated into Claims 1, 25, 50 and 73. Examiner argues that although Kobe and Shomo do not teach the light emitter, it would have been obvious to one ordinarily skilled in the art to modify the grip disclosed by their combination with a phosphorescent material as taught by Oseroff in order to provide a luminous safety feature.

Applicant respectfully disagrees with Examiner's argument. Oseroff is directed towards grips for hand guided equipment and hand operated devices, such as a steering device (Col. 1, lines 1-13), not hand railing or grab bars. As would be appreciated by one ordinarily skilled in the art, hand guided equipment and hand operated devices are not

the same as hand railing or grab bars. As would be appreciated by one ordinarily skilled in the art, hand railing and grab bars provide hand guidance and support along a structure, whereas the grip of Oseroff is only related to devices and equipment that is guided by a hand. Therefore, Applicant respectfully submits that Examiner's proposed modification would not have been obvious to one ordinarily skilled in the art.

Since Claims 4, 7, 28, 31, 53, 56, 76, and 79 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 4, 7, 28, 31, 53, 56, 76, and 79 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 1, 4, 7, 25, 28, 31, 50, 53, 56, 73, 76, and 79 are patentable over Kobe in view of Shomo, and further in view of Oseroff, and are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 5, 27, 29, 52, 54, 75, and 77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of Shomo, and further in view of McCalla et al. (US 6,364,500 B1).

Claims 3, 27, 52, and 75 have been canceled and their subject matter, a light emitter coupled with the top surface of the skin layer, has been incorporated into Claims 1, 25, 50 and 73. Examiner argues that although Kobe and Shomo do not teach the light emitter, it would have been obvious to one ordinarily skilled in the art to modify the grip disclosed by their combination such that it would include the light directing fiber optics as taught by McCalla in order to provide the skin layer with means for illumination.

Applicant respectfully disagrees with Examiner's argument. McCalla is directed towards a tool handle (Col. 1, lines 10-14), not hand railing or grab bars. As would be appreciated by one ordinarily skilled in the art, a tool handle is not the same as hand

railing or grab bars. As would be appreciated by one ordinarily skilled in the art, hand railing and grab bars provide hand guidance and support along a structure, whereas a tool handle is guided by a hand.

Additionally, Applicant respectfully submits that McCalla does not even teach a light emitter coupled with the top surface of the skin layer. McCalla describes a handle member wherein a portion “is optically conductive between the first end 28 of the bore 26 and the distal end 22 so that light can traverse therethrough.” (Col. 3, lines 14-16). This description, along with FIG. 6, clearly shows that the light emitter in McCalla is *not* coupled with the top surface of the skin layer. The light is directed towards the optically conductive portion 32, which is not located on the actual grip body, but rather on a portion next to the grip. Since the whole purpose of the lighted handle in McCalla is “to illuminate a tool or work piece secured thereto” (Col. 1, lines 10-11), it would defeat the purpose to couple the light emitter with the top surface of the skin layer, since that portion would be covered when someone grabs the handle. The light would be blocked by the user’s hand. That is why the light emitter is located on the portion of the handle not intended to be grabbed, rather than the actual top surface of the skin layer.

Additionally, McCalla states that the “beam of light produced by the energized light source 60 when the light module 50 is disposed within the bore 26 travels from the front end 52 of the light module 50, through the optically conductive portion 32 of the handle member 20, and out of the distal end 22. Accordingly, the light beam illuminates the desired tool complementarily engaged by the distal end 22 of the handle member 20, allowing the user to see the work area better.” (Col. 4, lines 53-60). The light is clearly being directed sideways towards the distal end with the engaged tool, rather than on the top surface of the skin layer.

Therefore, Applicant respectfully submits that neither Kobe, nor Shomo, nor McCalla disclose a light emitter coupled with the top surface of the skin layer and that Examiner's proposed modification would not have been obvious to one ordinarily skilled in the art.

Since Claims 5, 29, 54, and 77 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 5, 29, 54, and 77 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 1, 5, 25, 29, 50, 54, 73, and 77 are patentable over Kobe in view of Shomo, and further in view of McCalla, and are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 6, 27, 30, 52, 55, 75, and 78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of Shomo, and further in view of Bixler et al. (US 5,251,903).

Claims 3, 27, 52, and 75 have been canceled and their subject matter, a light emitter coupled with the top surface of the skin layer, has been incorporated into Claims 1, 25, 50 and 73. Examiner argues that although Kobe and Shomo do not teach the light emitter, it would have been obvious to one ordinarily skilled in the art to modify the grip disclosed by their combination such that it would include a pressure activated light emitter as taught by Bixler in order to provide the grip with a means for indicating contact with a user's hand.

Applicant respectfully disagrees with Examiner's argument. Bixler is directed towards a ball provided with pressure indicating features (Col. 1, lines 6-9), not hand railing or grab bars. As would be appreciated by one ordinarily skilled in the art, a ball is



not the same as hand railing or grab bars. As would be appreciated by one ordinarily skilled in the art, hand railing and grab bars provide hand guidance and support along a structure, whereas the pressure grip ball of Bixler is guided by a hand. Furthermore, the grip of Bixler is narrowly focused on applications to baseball, offering “reinforcement and feedback regarding the amount and location of pressure applied to the ball before release of the ball in order to assist the pitcher in finding and maintaining his best pressure grip for optimum ball control.” (Col. 1, lines 38-42). In no way does the grip of Bixler relate to hand railing or grab bars. Therefore, Applicant respectfully submits that Examiner’s proposed modification would not have been obvious to one ordinarily skilled in the art.

Since Claims 6, 30, 55, and 78 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 6, 30, 55, and 78 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 1, 6, 25, 30, 50, 55, 73, and 78 are patentable over Kobe in view of Shomo, and further in view of Bixler, and are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

#### Double Patenting

Claims 1, 25, 96, and 97 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 14 of U.S. Patent No. 6,775,937 in view of Shomo.

Claims 1, 25, 96, and 97 have been amended to include the limitation of a light emitter or a light emitting means on the skin layer. Applicant respectfully submits that

this limitation is not recited in claims 1 and 14 of the '937 reference, nor is it rendered obvious by Shomo.

Therefore, Applicant respectfully submits that Claims 1, 25, 96, and 97 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1, 3, 25, 50, 73, 96, and 97 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11, 23, 34, 46, 57, 69, and 74-79 of copending Application No. 09/874,940.

Application No. 09/874,940 has been abandoned. Therefore, Applicant respectfully submits that the rejection is moot.

Claims 1, 25, 96-98, and 101 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 59, 81 and 82 of copending Application No. 10/338,145 in view of Shomo.

Application No. 10/338,145 has been abandoned. Therefore, Applicant respectfully submits that the rejection is moot.

Claims 1, 25, 96, and 97 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 28-30 of copending Application No. 10/622,344 in view of Kobe.

Application No. 10/622,344 has been abandoned. Therefore, Applicant respectfully submits that the rejection is moot.

Claims 1, 25, 96, and 97 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 10/921,057 in view of Shomo.

Claims 1, 25, 96, and 97 have been amended to include the limitation of a light emitter or a light emitting means on the skin layer. Applicant respectfully submits that this limitation is not recited in claims 1 and 2 of the '057 reference, nor is it rendered obvious by Shomo.

Therefore, Applicant respectfully submits that Claims 1, 25, 96, and 97 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,  
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